

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRIYA NARANG,

Plaintiff,

-v-

TROY ARMOUR, *et al.*,

Defendants.

24-CV-1125 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On February 15, 2024, Plaintiff Priya Narang filed this action against Troy Armour, Junk Kouture Operations Ireland LTD, Junk Kouture Entertainment and Media Group Limited, Junk Kouture Limited, and Junk Kouture Production Limited. (ECF No. 1.) The complaint did not properly plead the citizenship of the parties, for reasons stated in an order issued by this Court on February 20, 2024. (*See* ECF No. 3.) Accordingly, the Court ordered Plaintiff, on or before March 7, 2024, to either show cause as to why the complaint should not be dismissed for lack of subject matter jurisdiction, or to move to file an amended complaint that properly pleads jurisdiction. (*Id.*) The Court warned Plaintiff that if she failed to do so, this action may be dismissed. (*Id.*) To date, Plaintiff has not taken any action responsive to the Court's order.

Federal Rule of Civil Procedure 41(b) authorizes a district court to dismiss an action "if the plaintiff fails to prosecute or to comply with the rules or a court order." *Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). It is settled that Rule 41(b) "gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute." *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Dismissal without prejudice is appropriate here. Plaintiff was "given notice that further delay would result in dismissal," *U.S. ex rel. Drake v. Norden Sys., Inc.*, 375 F.3d 248, 254 (2d Cir. 2004), and there is prejudice where Plaintiff has caused an

“unreasonable delay.” *LeSane*, 239 F.3d at 210. Dismissal without prejudice appropriately strikes a balance “between alleviating court calendar congestion and protecting a party’s right to due process and a fair chance to be heard.” *Id.* at 209.

Accordingly, this action is dismissed without prejudice to refiling.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: March 11, 2024
New York, New York



J. PAUL OETKEN
United States District Judge